

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Sameh Mahmoud Mohamed Said,
MD,

Court File No. 20-cv-927

Plaintiff,

**DEFENDANTS' NOTICE OF
REMOVAL**

vs.

Mayo Clinic and Joseph Albert
Dearani, MD,

Defendants.

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Mayo Clinic and Joseph Albert Dearani, MD (collectively, "Defendants") hereby give notice of removal of the above-captioned action currently pending in the Olmsted County District Court, State of Minnesota and styled *Sameh Mahmoud Mohamed Said, MD v. Mayo Clinic and Joseph Albert Dearani, MD*, Court File No. 55-CV-19-6382 (the "State Court Action"), to the United States District Court for the District of Minnesota. In support of their Notice of Removal, Defendants state as follows:

1. Plaintiff commenced this action against Mayo Clinic and Joseph Albert Dearani, MD, in Hennepin County District Court in the State of Minnesota by service pursuant to Minnesota Rule of Civil Procedure 3.01 and 4.05(a). He served the Summons and Complaint upon Mayo Clinic on May 1, 2019, and upon Joseph Albert Dearani's attorney, George R. Wood, on May 2, 2019. Defendant Dearani waived service of the Summons and Complaint on May 13, 2019. A true and correct copy of Plaintiff's original Complaint and Jury Demand is attached as part of Exhibit B to the Declaration of Emily A. McNee ("McNee Decl."). By Order dated September 5, 2019, the Hennepin County District Court granted Defendants' Demand for a Change of Venue to Olmsted County and transferred the action to Olmsted County District Court. A true and correct

copy of the Hennepin County District Court's Order is attached as part of Exhibit B to McNee Decl.

2. On April 6, 2020, Olmsted County District Court permitted Plaintiff to file an Amended Complaint. Plaintiff filed Plaintiff's First Amended Complaint and Jury Demand (the "Amended Complaint") in Olmsted County District Court. A true and correct copy of the Amended Complaint is attached as Exhibit A to McNee Declaration.

3. In his Amended Complaint, Plaintiff claims in Counts II, IV, and VI that Defendants violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* See Amended Complaint at ¶¶ 141-146, 154-159, and 166-171.

4. ***Federal Question Jurisdiction Basis for Removal:*** Because the Amended Complaint presents federal questions for adjudication, the above-entitled action may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §§ 1331, 1441, and 1446.

5. ***Supplemental Jurisdiction:*** Pursuant to 28 U.S.C. §1367(a), this Court has supplemental jurisdiction over the remaining claims in the Amended Complaint (Counts I, III, V, and VII-XII) because they are so related to claims in the action within the Court's original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution and because neither of the exceptions set forth in 28 U.S.C. §§1367(b) and (c) apply to these claims.

6. ***Timing of Removal:*** Fewer than thirty (30) days have elapsed since April 6, 2020, when Plaintiff first served Defendants with the Amended Complaint. See 28 U.S.C. § 1446(b).

7. Simultaneous with the filing of this Notice of Removal, Defendants have notified the Olmsted County District Court in the State of Minnesota of removal of this action.

8. Pursuant to 28 U.S.C. §1446(a), true and correct copies of all process, pleadings, and orders served upon Defendants in the State Court Action are attached as Exhibits A and B to the McNee Declaration and will be served upon Plaintiff's counsel and filed with the Court Administrator of the Olmsted County District Court in the State of Minnesota on this date, in accordance with the provisions of 28 U.S.C. § 1446(d).

WHEREFORE, Defendants respectfully request that the State Court Action, now pending in the District Court for the County of Olmsted, Minnesota, be removed to the United States District Court for the District of Minnesota.

Date: April 13, 2020

s/ Emily A. McNee

Kathryn Mrkonich Wilson (#283605)

Emily A. McNee (#0395228)

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